

Remarks

Claims 1-20 remain pending in this application after entry of this paper. Claims 1, 7 and 9 have been objected to because of informalities. Amendments have been made to the claims to address the noted informalities. Claims 1-5, 15, 16 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Eyal (U.S. Patent No. 6,389,467). Claims 6 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eyal in view of La Porta et al. (U.S. Patent No. 6,434,134). Claims 7, 8, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eyal in view of La Porta, further in view of Hulyalkar (U.S. Patent No. 5,787,080). Claims 9-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eyal in view of Hulyalkar. Applicant believes that the invention is patentable. Further, each independent claim has been amended to more particularly point out the invention.

The claims have been amended to more particularly point out that the portable wireless music player is only a relatively simple listening device with limited functionality so as not to be time critical in its operations. This aspect of the invention is described in the specification, for example, at page 4, line 16, through page 5, line 6. Particularly worth noting is the fact that with the portable wireless music player comprehended by the invention, there is no need for an expensive personal computer, personal digital assistant or cellular phone, but instead, a simple portable listening device may be utilized. This is in direct contrast to the primary reference, Eyal, which describes Internet-enabled computing platform 210 as, for example, a PC, PDA, cellular phone, or Palm PC.

Applicant's invention contemplates an arrangement where a play list is defined at the music service provider through user interaction at a remote client. Subsequently, music is downloaded to the portable wireless music player from the music service provider in accordance only with the previously defined play list such that the portable wireless music player is only a relatively simple listening device with limited functionality so as not to be time critical in its operations. This is in contrast to Eyal wherein the Internet-enabled computing

platform interfaces with a server module to achieve searching and the playing of media from play lists.

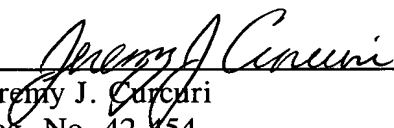
With regard to claim 1, claim 1 recites a method of providing programming to a portable wireless music player having a memory and being operative to transmit and receive information over a wireless link to a wireless service network. The portable wireless music player is only a relatively simple listening device with limited functionality so as not to be time critical in its operations. The wireless service network is in communication with a music service provider. The music service provider allows connections from remote clients. The method comprises connecting to the music service provider from a remote client. The method further comprises defining a play list at the music service provider through user interaction at the remote client. The method further comprises connecting to the music service provider with the portable wireless music player over the wireless service network. The music is downloaded to the portable wireless music player from the music service provider in accordance only with the previously defined play list. The method further comprises playing the music at the portable wireless music player.

It is appreciated that music is downloaded in accordance only with the previously defined play list such that the portable wireless music player is only a relatively simple listening device with limited functionality so as not to be time critical in its operations. In contrast, Eyal describes Internet-enabled computing platforms that are far different than the recited relatively simple listening devices with limited functionality required by claim 1. For example, both the title and abstract of Eyal refer to search functionality at the network-enabled devices. In Eyal, the network-enabled devices are generally used for streaming media search and playback, and Eyal also offers a detailed discussion of data management. Further, there is no suggestion to modify these devices in Eyal, which are exemplified as a PC, PDA, cell phone or Palm PC, to achieve applicant's invention. For these reasons, Eyal fails to anticipate claim 1.

Each independent claim, namely, claims 1, 9, 15 and 20, recite that the portable wireless music player is only a relatively simple listening device with limited functionality so as not to be time critical in its operations in combination with other features, and accordingly, is believed to be patentable. As explained above, Eyal fails to suggest the invention. The various secondary references cited by the Examiner fail to overcome the deficiencies of Eyal and fail to suggest modification of Eyal to achieve the invention. Accordingly, all claims are believed to be patentable and allowance of claims 1-20 is respectfully requested.

Respectfully submitted,

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